

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the

United States of America)

v.)

Case No. 10-2060 (JS)

LORD BEYAH)

(a/k/a "Chance Burgess"))

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 14, 2010 in the county of Atlantic in the

District of New Jersey, the defendant(s) violated:

Code Section

Offense Description

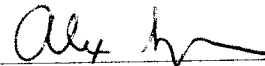
18 U.S.C. § 2114(a)

SEE ATTACHMENT A

This criminal complaint is based on these facts:

SEE ATTACHMENT B

☒ Continued on the attached sheet.



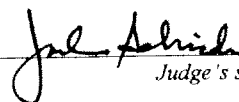
Complainant's signature

Alex Sylvester, Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/20/2010



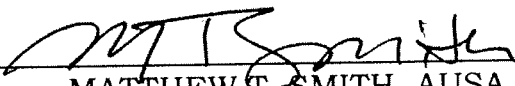
Judge's signature

City and state: Camden, New Jersey

Hon. Joel Schneider, U.S. Magistrate Judge

Printed name and title

CONTENTS APPROVED
UNITED STATES ATTORNEY

By: 
MATTHEW T. SMITH, AUSA

Date: December 20, 2010

ATTACHMENT A

On or about July 14, 2010, in Atlantic County, in the District of New Jersey, and elsewhere, the defendant,

Lord Beyah
(a/k/a Chance Burgess),

did assault C.D., a person having lawful charge, custody, and control of United States mail matter, money and other property of the United States, with intent to rob, steal, and purloin said mail matter, money and other property of the United States, and in doing so, put the life of C.D. in jeopardy by the use of a dangerous weapon, that is a knife, in violation of Title 18, United States Code, Section 2114(a).

ATTACHMENT B

AFFIDAVIT

I, Alex Sylvester, being duly sworn, do hereby depose and state:

INTRODUCTION

1. I am a Postal Inspector with the United States Postal Inspection Service. I have personally participated in this investigation and am aware of the facts contained herein based upon my own investigation as well as information provided to me by other law enforcement officers. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support issuance of a criminal complaint and arrest warrant, I have not necessarily included each and every fact known by the government concerning this investigation.

2. I have been employed as a Postal Inspector for over six (6) years. As a Postal Inspector, I investigate violations of mail fraud, money laundering, and bank fraud as well as robberies and burglaries of employees and facilities of the United States Postal Service. I have attended training courses in Federal criminal investigative methods at an accredited Federal law enforcement training center in Potomac, Maryland. As a result of my educational background, training, and investigative experience, I am familiar with criminal investigatory techniques associated with investigations of violation of the federal law.

3. This affidavit is made in support of a criminal complaint and arrest warrant for Lord Beyah (a/k/a Chance Burgess) in connection with the July 14, 2010 armed robbery of a post office in Mizpah, New Jersey, in violation of 18 United States Code, Section 2114.

THE INVESTIGATION

4. In the early afternoon of July 14, 2010, the post office located at 6442 DeHirsch Avenue in Mizpah, New Jersey (hereinafter, the "Post Office") was robbed at knife-point. On that day, C.D., a United States Postal Service postmaster¹ was working at the Post Office and preparing to close the Post

¹ C.D. is a woman in her mid-50's.

Office for the lunch hour.² According to C.D., at approximately, 12:18 p.m., a male, approximately 6 feet tall, with a dark complexion, big lips, short hair and a medium build, wearing blue plastic gloves leaped over the counter at the Post Office, displayed a knife, and demanded that C.D. give him money. The male wore large oval sunglasses and C.D. reported that she was unable to see the male's eyes.

5. C.D. immediately complied and gave the male all of the money from her cash drawer. After getting the money from the cash drawer, the male then demanded that he be taken to the Post Office's safe. C.D. then opened the Post Office's safe and the male began to search the safe for additional money. As the male did this, C.D. attempted to flee the Post Office by running out of the rear door of the Post Office. The male saw C.D. attempt to flee, ran after her, caught her, and forcibly dragged her back into the Post Office by her hair.

6. During this struggle, the male placed a knife in front of C.D.'s face. In response, C.D. grabbed the knife and struggled with the male. During the struggle, C.D. managed to separate the knife blade from the knife handle, take possession of the knife blade, and stab the male two times in his lower left leg.

7. After he was stabbed, the male handcuffed C.D. to a piece of postal equipment before fleeing the Post Office through the rear door. After the male had left, C.D. managed to free herself and call 911.

8. The rear door of the Post Office and the hallway leading up to it are not accessible by the general public or the Post Office's customers. Only employees of the U.S. Postal Service and the Post Office's maintenance staff have access to the area.

9. After learning of the assault and robbery, inspectors from the U.S. Postal Service and police officers from the Township of Hamilton responded to the Post Office. Among other things, officers processed the crime scene. Officers collected 25 swabs of blood from the non-public area of the Post Office, including the hallway leading up to the rear door of the Postal Office. The purposes of collecting the swabs of blood was to obtain DNA from the blood in order to identify the individual who assaulted C.D. and robbed the Post Office on July 14, 2010.

10. On July 16, 2010, law enforcement officers transported the blood evidence to the New Jersey State Police Office of Forensic Sciences for DNA

² As a small, rural post office, the Post Office in Mizpah, New Jersey regularly closed for one hour around lunch time.

analysis. Officers submitted four blood swabs taken from the Post Office as well as a Buccal swab of C.D. for analysis by the laboratory.

11. The New Jersey State Police Office of Forensic Sciences processed the blood swabs and generated a DNA profile from each of the blood swabs. According to Joe Petersack, DNA Laboratory Director of the New Jersey State Police Office of Forensic Sciences, a DNA profile consists of 30 numbers that he described as an “extended social security number” describing a sample’s DNA make up. On September 20, 2010, the New Jersey State Police Office of Forensic Sciences alerted law enforcement officers that C.D. was excluded as a possible contributor to the DNA profile in three of the four blood swabs submitted for analysis. The New Jersey State Police Office of Forensic Sciences’ report also stated that no conclusion could be reached concerning the contributors to the DNA profile of the other three specimens. This is because the New Jersey State Police Office of Forensic Sciences needs to have the specimen compared to a control sample of DNA taken from an individual. Finally, the New Jersey State Police Office of Forensic Sciences entered one of the three specimens into Combined DNA Index System database (“CODIS”).³

12. On November 1, 2010, the New Jersey State Police Office of Forensic Sciences alerted law enforcement that a search of the CODIS database revealed that the specimen blood swab obtained from the Post Office entered into the database matched the DNA profile of a convicted offender, Lord Beyah. This means that the DNA profile of the specimen blood swab from the Post Office was identical to the DNA profile generated from a DNA sample that was collected from Lord Beyah after he was earlier convicted of a crime in the State of New Jersey. The New Jersey State Police Office of Forensic Sciences also stated that no conclusion could be reached regarding Lord Beyah as a possible contributor to the DNA profile identified in the Post Office samples without submission of his Buccal swab for comparison. This is because no member of the New Jersey State Police Office of Forensic Sciences actually took the original DNA sample from Lord Beyah after his earlier New Jersey conviction and would not be able to testify about the chain-of-custody of the sample. The New Jersey State Police Office of Forensic Sciences can draw such conclusions and perform such a comparison only if they are provided with a control sample of DNA taken from Lord Beyah.

13. Lord Beyah (a/k/a Chance Burgess) is a 47-year-old African American

³ CODIS is the generic term used to describe the FBI’s program of support for criminal justice DNA databases that is designed to compare a target DNA record against the DNA record of a convicted offender contained in the database.

male residing in Belcoville, New Jersey. Belcoville is approximately four miles from the Post Office. Beyah has an extensive criminal history including seven felony convictions for such crimes as possession of a handgun and theft by unlawful taking. Beyah also has seven parole violations. Beyah is currently on probation with the State of New Jersey and has drug and gun charges pending with the Atlantic County Prosecutor's Office.

14. Law enforcement officers interviewed several residents of the homes neighboring the Post Office. One of the residents stated that, at approximately 12:20 p.m. on July 14, 2010, she saw a light-skinned black male with salt-and-pepper hair and having a light-haired mustache and wearing one blue latex glove driving a tan or light brown vehicle on the street directly in front of her residence. Her residence was approximately 50 meters from the Post Office. A second resident stated that, also at 12:20 p.m., she saw a black male, approximately five foot, five inches tall with a medium build, with close-cropped hair and a salt-and-pepper beard driving a brown Ford Taurus in the vicinity of the Post Office. A third resident also reported seeing a light brown vehicle that was possibly a late-model Ford Taurus station wagon in the vicinity of the Post Office at approximately 12:20 p.m. on July 14, 2010.

a. According to the New Jersey Department of Corrections' records, Lord Beyah is an African American male who is six feet and one inch tall and weighs approximately 239 pounds. His picture from the New Jersey Department of Corrections' web site shows that he has close-cropped salt-and-pepper hair.

b. In addition, through surveillance of Lord Beyah, law enforcement has learned that, around the time of the robbery of the Post Office, Lord Beyah's live-in girlfriend, Sherry L. Johnson, owned a tan late-model Ford Taurus station wagon. According to New Jersey Department of Motor Vehicles, Sherry L. Johnson is the registered owner of a 1996 Ford Taurus that is tan in color.

15. Based on these facts, on December 2, 2010, United States Magistrate Judge Ann Marie Donio signed a search warrant for the DNA (from a Buccal swab) of Lord Beyah (the "Search Warrant") so that law enforcement may compare Lord Beyah's DNA profile with the DNA profile of the blood swabs recovered from the Post Office on July 14, 2010. See In the Matter of the Search of Lord Beyah (a/k/a Chance Burgess), Mag. No. 10-1052 (AMD).

16. On December 16, 2010, Detective Frank Schalek of the Hamilton Township Police Department and I interviewed Sherry L. Johnson. Johnson told law enforcement officers, in substance and in part, that Beyah: (a) resided with Johnson during the Summer of 2010; and (b) routinely drove her car, which was a tan Ford Taurus station wagon.

17. Also on December 16, 2010, Detective Frank Schalek and I conducted surveillance on Lord Beyah and followed him into a store. Once inside the store, Detective Schalek and I approached Beyah, confirmed his identify, and took him into police custody on a failure to appear warrant in State of New Jersey v. Beyah, Ind. No. 10-0300678 (New Jersey Superior Court, Atlantic County). Beyah was then transported to the Township of Hamilton police station. Once in my vehicle, he was read his Miranda rights.

18. Once at the police station, approximately 20 minutes later, law enforcement officers executed the Search Warrant. Beyah was then taken into an interview room and was again given his Miranda warnings. Law enforcement officers then completed a U.S. Postal Inspection Service's "Sworn Statement with Rights" form and Beyah initialed and signed the form acknowledging certain of his Constitutional rights. Beyah then provided law enforcement with a two page sworn, written statement in which he admitted to robbing the Post Office and assaulting the postal employee with a knife.

19. Beyah also signed a consent form provided by the Township of Hamilton Police Department consenting to law enforcement officers' taking photographs of a scar on Beyah's left leg. Several photographs were taken on the scar. The scar was consistent with injuries sustained by the robber of the Post Office on July 14, 2010.

CONCLUSION

20. Beyah was then transported to the Atlantic County Jail by law enforcement officers of the Township of Hamilton Police Department on the pending failure to appear warrant.